IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No.14837 of 2004

Between:

B.Prabhakara Rao, s/o late Rayudu,
R/o.Visakhapatnam.

..... PETITIONER.

AND

1.The State Bank of India, Nidadavole, West Godavari District
rep., by its Chief Manager,
2.M/s.Sri Venkateswara Food Processing (P) Ltd., rep., by its Chairman & Managing Director, Flat No.501, Plot No.25, Sundar Nagar, Erragadda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of mandamus, declaring the action of the respondents in not considering the representation of the petitioner for depositing the borrowed amount as 3rd party security, and in issuing the auction notification dt.17-08-2004 for holding public auction of the assets of M/s.Sri Venkateswara Food Processing (P) Ltd., Nidadavole, West Godavari District scheduled on 30-08-2004 in pursuance of a sale notice u/S.13(4)(a) of the Securitisation and Reconstruction of Financial and Enforcement of Security Interest Act, 2002 as arbitrary, illegal, unjust and violative of principles of natural justice and consequently to call for the records and direct the respondents to accept the deposit made as 3rd party deposit.

Counsel for the Petitioner: Smt.N.SHOBA

Counsel for the Respondent No.1: Ms. Ch.Lakshmi Kumari,

S.C. FOR SBI.

The Court made the following :ORAL ORDER:

(per the Hon'ble the Chief Justice)

Learned counsel for petitioner submits that the writ petition is rendered infructuous.

Writ petition is dismissed as having rendered infructuous.

Sd/-P.EKAMBARAM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chief Manager, State Bank of India, Nidadavole, West Godavari District.
2. Two C.D. copies.

GPK

HIGH COURT

DT. 25-8-2004

ORDER

WP: 14837 / 2004